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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,543	08/21/2003	Stefan Braun	SPM-365-A	9852

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EXAMINER

LUND, JEFFRIE ROBERT

ART UNIT PAPER NUMBER

1763

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/646,543	<b>Applicant(s)</b> BRAUN ET AL.	
	<b>Examiner</b> Jeffrie R. Lund	<b>Art Unit</b> 1763	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2006.  
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-23 is/are pending in the application.  
 4a) Of the above claim(s) 8, 10 and 16-23 is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-7 and 11-15 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☒ The drawing(s) filed on 21 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☒ All b) ☐ Some \* c) ☐ None of:  
 1. ☒ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 2, 4-7, and 11-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitations "wherein a ratio of free cross-sections of said perforations discretely located in said mask, and intermediate web surfaces of said mask per area unit is varied" in line 11 and "wherein the ratio of free cross-sections of the perforations and the intermediate web per unit area" in line 16 it is not clear if "a ratio of free cross-sections of said perforations discretely located in said mask, and intermediate web surfaces of said mask per area unit is varied" and "the ratio of free cross-sections of the perforations and the intermediate web per unit area" is the same ratio or if they are two different ratios.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3-5, 7, 11, and 15 are rejected under 35 U.S.C. 102(b) as being clearly

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anticipated by Ito, JP 60-181264.

Ito teaches a rotating or linearly oscillating mask (figure 1d) having a ratio of free cross-sections of the perforations being discretely present in the mask and the intermediate web surface that varies over the total surface, and the respective distance of the substrate surface. (Abstract, figures)

5. Claims 1, 2, 4-7, 11, and 15 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Hollier, FR 2 629 226.

Hollier teaches a linearly oscillating mask (figure 3) having a ratio of free cross-sections of the perforations being discretely present in the mask and the intermediate web surface that varies over the total surface, and the respective distance of the substrate surface. (Abstract, figures)

6. Claims 1-7, 11, and 15 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Bijkerk et al, DE 100 62 713 C1.

Bijkerk et al teaches a linearly oscillating mask (figure 2a,b) having a ratio of free cross-sections of the perforations being discretely present in the mask and the intermediate web surface that varies over the total surface, and the respective distance of the substrate surface. (Abstract, figures)

Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

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obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 12 and 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Hollier, FR 2 629 226; or Bijkerk et al, DE 100 62 713 C1.

Hollier, or Bijkerk et al were discussed above.

Hollier, or Bijkerk et al differs from the present invention in that Hollier, and Bijkerk et al do not teach a magnetron sputtering source.

Magnetron sputtering sources are well known in the art.

The motivation for replacing the evaporation source of Hollier, and Bijkerk et al with a magnetron sputtering source is to provide an alternate and equivalent coating material source.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the evaporation source of Hollier, and Bijkerk et al with a magnetron sputtering source.

9. Claims 12-14 rejected under 35 U.S.C. 103(a) as being unpatentable over Ito, JP 60-181264.

Ito was discussed above.

Ito differs from the present invention in that Ito does not teach a magnetron sputtering source.

Magnetron sputtering sources are well known in the art.

The motivation for replacing the evaporation source of with a magnetron

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sputtering source is to provide an alternate and equivalent coating material source.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the evaporation source of Ito with a magnetron sputtering source.

### ***Response to Arguments***

10. Applicant's arguments with respect to claims 1-7, and 11-15 have been considered but are moot in view of the new ground(s) of rejection.

11. Applicant's arguments filed May 11, 2006 have been fully considered but they are not persuasive.

In regard to the argument that Bijkerk et al is not available as a reference, the Examiner disagrees. The applicant has not supplied a certified translation of the priority papers.

### ***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any


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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrie R. Lund whose telephone number is (571) 272-1437. The examiner can normally be reached on Monday-Thursday (6:30 am-6:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Parviz Hassanzadeh can be reached on (571) 272-1435. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jeffrie R. Lund  
Primary Examiner  
Art Unit 1763

JRL  
7/23/06